

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

RECEIVED

NOV 21 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	FCC 02-201
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-1 12
Table of Allotments, FM Broadcast Stations)	RM-9027
(Anniston and Ashland, AL , College Park,)	RM-9268
Covington, and Milledgeville, Georgia))	RM-9384

To: The Commission

**REPLY TO CONSOLIDATED OPPOSITION TO
PETITION FOR RECONSIDERATION
AND SECOND MOTION TO REOPEN THE RECORD**

**PRESTON W. SMALL
Timothy E. Welch, Esq.
Hill and Welch
1330 New Hampshire Ave., N.W. #113
Washington, D.C. 20036
(202) 775-0070
(202) 775-9026 (FAX)
welchlaw@earthlink.net**

No. 014
LAST RECEIVED
014

November 21, 2002

TABLE OF CONTENTS

A. Mr. Small's Due Process Right to File a Petition for Reconsideration	1
B. WNNX's <i>Ex Parte</i> Violation	4
C. WNNX's Role in the Civil Suit Retaliation	9

Preston W. Small (Mr. Small), by his attorney, hereby replies to WNNX LICO, Inc.'s (WNNX) *Consolidated Opposition (Opposition)*. In reply, the following is respectfully submitted:¹

A. Mr. Small's Due Process Right to File a Petition for Reconsideration

1) WNNX claims that

the Commission's rules and case law clearly permit only one petition for reconsideration. An order that dismisses or denies a petition for reconsideration *cannot* be the subject of another petition for reconsideration. Section 1.429(i) states: "Any order disposing of a petition for reconsideration which modifies rules adopted by the original order is, to the extent of such modification, subject to reconsideration in the same manner as the original order. *Except in such circumstances, a second petition for reconsideration may be dismissed by the staff as repetitive.*"

Opposition, at 2 (emphasis supplied by WNNX). WNNX's assertion to the contrary notwithstanding, § 1.429(i), rather than prohibiting further reconsideration petitions, explicitly states that further reconsideration is available, subject to dismissal for repetition.

2) Each of Mr. Small's pleadings has contested the contents of the most recently released Commission order in MM Docket 98-112. Mr. Small is not sticking around to argue the merits of prior orders, although discussion of prior orders might necessarily arise for the purpose of providing context. It is a longstanding, stringent, and unforgiving requirement that any issue to be raised in the court of appeals must first be argued before the FCC. *See e.g., Beehive Telephone Company*, 179 F.3d 941, 946 (D.C. Cir. 1999). While appellate litigation rules are stringent in dismissing a claim if administrative remedies have not been exhausted, the manner in which one properly satisfies the exhaustion requirement is not always crystal clear. In *Time Warner Entertainment Co., L.P. v. FCC*, 144 F.3d 75, 81 n. 7 (D.C. Cir. 1998) the Court determined that "given the apparent tension in our

¹ The instant reply is timely filed. 47 C.F.R. § 1.4(h) provides that if the Commission's rules require service of a document, and if the document is served by mail "and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed to all parties in the proceeding for filing a response." 47 C.F.R. § 1.429(g) and 67 Fed. Reg. 65354 (October 24, 2002) provide that replies must be filed "within 10 days after the time for filing oppositions has expired." WNNX served its November 8, 2002 *Opposition* by mail, thus, the reply filing date in this proceeding is November 18, 2002, extended to November 21, 2002 by the three day mail rule.

cases [regarding exhaustion], a prudent counsel when in doubt should seek reconsideration before the Commission.”² Additionally, a party exhausting its remedies before an administrative agency is not required to guess, beforehand, whether the agency might find the petition repetitious. *Southwestern Bell Telephone Company v. FCC*, 116 F.3d 593,597-98 (D.C. Cir. 1997).

3) Consequently, whenever the FCC issues an order on reconsideration which states anything more than “our prior decision is affirmed,” the adversely affected party must consider whether the Commission’s new substantive discussion requires further agency review before seeking judicial review. Whether a party files one reconsideration pleading, or ten, the raw number of pleadings filed is irrelevant in examining whether there is an abuse of process.³ For instance, as discussed in Mr. Small’s November 8, 2002 *Opposition to Petition for Reconsideration*, MM Docket 01-104, WNNX abused the Commission’s processes by including illegal *ex parte* communications about the instant proceeding in that docket, by arranging for the filing and dismissal of a fraudulent FM drop-in rulemaking petition to meet its private frequency allocation needs, and by misrepresenting facts to the Commission. Just as it is possible to abuse the Commission’s processes by filing one petition for reconsideration, it is possible to avoid abusing the Commission’s processes by filing multiple petitions for reconsideration provided that each are filed in good faith and are directed toward matters discussed in the Commission’s most recently released order

² In *Time Warner Entertainment Co. L.P. v. FCC* Judge Randolph, concurring in part and dissenting in part, writes that all perceived procedural and substantive errors must be brought to the Commission’s attention before litigation is filed in the court of appeals. 144 F.3d at 82-5. *See also Omnipoint Corporation v. FCC*, 2 CR 816 78 F.3d 620, 635 (D.C. Cir. 1996) (“this Court has construed § 405 to require that complainants give the FCC a ‘fair opportunity to pass on a legal or factual argument’ before coming to court.”).

³ WNNX’s fixation on counting the raw number of review pleadings which Mr. Small has filed fails to recognize the each of Mr. Small’s has argued against the reasoning and conclusions contained in the most recently released order -- Mr. Small has not filed four reconsideration petitions arguing against the initial order adopted in this case more than two years.

4) Petitions for further reconsideration are routine at the Commission and the Commission has, on countless occasions, considered petitions concerning orders which denied prior filed petitions. *See e.g. Southern Communications Systems, Inc.*, 2001 FCC LEXIS 5538 n. 1 (FCC 2001) (FCC 01-298); *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Fifth Memorandum Opinion and Order*, 15 FCC Rcd. 22810 ¶¶ 3, 6, 8 (FCC 2000); *Interconnection and Resale Obligations Pertaining To Commercial Mobile Radio Services, Order on Reconsideration of Memorandum Opinion and Order on Reconsideration*, 15 FCC Rcd. 16221 ¶ 4 (FCC 2000). WNNX's claim that the filing of multiple petitions is abusive is obviously wrong; even WNNX concedes multiple petitions are permitted if Mr. Small "can convince the Commission that the public interest merits a fourth reconsideration." *Opposition*, ¶ 4.

5) WNNX argues that Mr. Small "feels that his due process rights were violated by having the Commission rather than the staff decide his case. That is an odd allegation, since the Commission, not the staff, is the final arbiter." *Opposition*, at 3. That is an odd allegation, but it is not one Mr. Small made. Mr. Small's clear argument is that the Commission's manner of proceeding may have prevented Mr. Small from presenting his entire case to the Commissioners and that the Commission failed to give notice of what issue in this case is so important that pulling the case from the staff was required, depriving Mr. Small of the opportunity to comment upon that issue. WNNX is unable to deal forthrightly with the Commission. *See e.g.*, Mr. Small's November 8, 2002 *Opposition to Petition for Reconsideration*, MM Docket 01-104, ¶¶ 20-2 (misrepresentation concerning purported detrimental reliance upon staff actions); Mr. Small's August 31, 1998 *Comments and Counterproposal*, MM Docket 98-112, ¶¶ 19-20 (WNNX filed false employment information).

6) WNNX's obfuscation continues when it argues that "it appears that Small didn't understand what was frivolous about his claim. To put it as simply as possible, it is frivolous because a 10-year-old case does not constitute 'new facts' or 'changed circumstances.'" *Opposition*,

at 3. While Mr. Small can agree that a 10 year old case is not “new,” WNNX again misstates Mr. Small’s argument. Mr. Small’s argument could not be clearer that Mr. Small is contesting the Commission’s “first analysis of the 1991 *Eatonton and Sandy Springs* case as contained in the November 8, 2001 *Memorandum Opinion & Order*.” *Petition for Reconsideration*, ¶ 14. Certainly Mr. Small has the right to challenge new Commission reasoning. Mr. Small did not raise a 10 year old case for the first time in a recent pleading, Mr. Small clearly criticizes the Commission’s first discussion of the 10 year old case, a case which Mr. Small has invoked for years to ears that do not want to listen. WNNX’s condescending attempt to put it “simply” for Mr. Small is yet another example of WNNX’s continuing inability to deal with the actual record.

B. WNNX’s *Ex Parte* Violation

7) At pages 4-6 of its *Opposition* WNNX claims that it did not violate the *ex parte* rule when its counsel, in another restricted FM allocation proceeding (MM Docket 01-104), argued that “the filing of Pour petitions for reconsideration by Preston Small in the Anniston/College Park Proceeding constitutes a very unique abuse of the FCC processes.” *See* October 9, 2002 *Petition for Reconsideration of Cox Radio, Inc., CXR Holdings, Inc., and Radio South, Inc.*, at 9-10 (the pleadings reveal that WNNX’s counsel is also counsel to Radio South, Inc. in MM Docket 01-104). WNNX argues further that “to allow the filing of a fourth petition for reconsideration to thwart the provision of first local service to Pour new communities disserves [sic] the public **and** essentially elevates and condones this sort of behavior.” *Id.* In footnote 21 of the *Petition* in MM Docket 01-104 WNNX argues that Mr. Small’s *Petition for Reconsideration* in MM Docket 98-112 is “meritless” and that the Commission had changed its **rules** for the purpose of preventing the filing of pleadings such as Mr. Small’s “meritless” petition.

8) A prohibited *ex parte* presentation is a communication made to decision making Commission personnel which is directed to the “merits or outcome of a proceeding,” but which is

not served upon parties to the proceeding. 47 C.F.R. § 1.1202(a),(b),(c). 47 C.F.R. § 1.1208 provides that “proceedings involving amendments to the broadcast table of allotments,” like the instant one and MM Docket 01-104, are “restricted” and *ex parte* communications are prohibited. It is settled that an expression of support for one side to a proceeding which is made without the knowledge of the other side is an illegal *ex parte* presentation. *Rainbow Broadcasting Company*, 13 FCC Rcd. 210007 14 (FCC 1998).

9) WNNX filed the above quoted arguments against Mr. Small’s interests in MM Docket 01-104 without service upon the undersigned or Mr. Small. WNNX’s statements not only show support for WNNX’s position in MM Docket No. 98-112, the comments attack Mr. Small’s very right to participate in MM Docket 98-112. It cannot be disputed that WNNX’s counsel, and thus WNNX,⁴ as the former chief of the Commission’s section responsible for handling amendment of FM table of allotments, is well aware of the prohibition on *ex parte* communications in FM allocation proceedings and of the penalty for violating the rule. *See Vero Beach, Florida, Notice of Proposed Rule Making*, 3 FCC Rcd. 1632 ¶ 13 (Lipp, Chief, Policy and Rules Division 1988) (Mr. Lipp instructs the public that “any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding.”). WNNX long opposed Mr. Small’s efforts to obtain relief and in MM Docket 98-112 and WNNX’s opposition expressed in MM Docket No. 01-104 cannot be construed as “incidental” nor “inadvertent.” The appropriate penalty

⁴ Under longstanding Commission rule WNNX’s counsel’s improper activities are properly imputed to the principal, WNNX. *Carol Sue Bowman*, 6 FCC Rcd. 4723 ¶ 4 (FCC 1991); *Hillebrand Broadcasting Corp.*, 1 FCC Rcd. 419, 420 n. 6 (FCC 1986). There is no reason to believe that WNNX was unaware of its counsel’s improper activities and, as explained in Section C of Mr. Small’s November 8, 2002 *Opposition to Petition for Reconsideration*, MM Docket 01-104, the facts reveal that WNNX and RSI are working in concert to obtain mutually beneficial relief through various rulemaking proceedings. Even if WNNX were unaware of its counsel’s efforts to advance its cause through *ex parte* communications, Mr. Lipp is a former Commission section chief who is intimately familiar with the Commission’s *ex parte* prohibition and it is WNNX’s responsibility to choose its counsel with care.

in a rulemaking proceeding for an *ex parte* violation is refusal to consider the violator's comments and the Commission should debar WNNX From further participation in MM Docket 98-1 12

10) WNNX serves up several explanations as to why it should not be considered to have violated the *ex parte* rules. Notably missing from WNNX's excuse list is any clear statement that it was unaware of its counsel's activities in MM Docket 01-104 and it must be reasonably concluded that WNNX had actual knowledge of its counsel's activities in MM Docket 01-104.⁵ None of WNNX's excuses holds water. WNNX asserts that the statements made in MM Docket 01-104 were "filed with the Secretary of the Federal Communications Commission" and not with a decision-maker and "this fact, in itself, removes it from the scope of the *ex parte* rules." *Opposition*, at 6. Not only is this argument lame on its face, it contains a deliberately false and misleading statement. WNNX's argument is lame on its face because the pleading filed in MM Docket 01-104 was not intended for review by the Commission's Secretary, it was intended to be reviewed by decision-makers. WNNX's argument contains deliberately false and misleading information because the October 9, 2002 *Petition for Reconsideration of Cox Radio, Inc., CXR Holdings, Inc., and Radio South, Inc.* is expressly directed to the "Chief, Media Bureau," certainly a decision-maker

11) WNNX seeks refuge in a misreading of the Commission's decision in *KMAP, Inc.*, 72 F.C.C.2d 241 (FCC 1979).⁶ *KMAP, Inc.* does not determine that pleadings filed through the

⁵ WNNX acknowledges that it may have violated the *ex parte* rules when it argues that Mr. Small has a remedy because Mr. "Small is aware of the Radio South filing, and if he has any substantive comments to offer, he has an opportunity to do so, since the Commission's rules grant him a period in which to reply in this proceeding." *Opposition*, ¶ 10. However, WNNX's reliance upon the happenstance of Mr. Small discovering WNNX's *ex parte* presentation cannot save WNNX -- the determination of whether there is an *ex parte* violation cannot turn upon whether the injured party brings the violation to light else the prohibition is hollow.

⁶ Each of the cases upon which WNNX relies to justify its *ex parte* violation predate two significant rewrites of the *ex parte* rules by the Commission. *See Report and Order*, 2 FCC Rcd. 3011 (FCC 1987) (¶ I--a "sweeping review"); *Report and Order*, 12 FCC Rcd. 7348 (FCC 1997) (¶ 2--the new rules "are simpler and clearer, and thus more effective in ensuring fairness in (continued...)

Secretary's office are exempt from the *ex parte* restriction. ¶ 22 of *KMAP, Inc.* shows that the questionable communication was "filed with the Secretary of the Commission and initially processed by the Broadcast Bureau's Complaints and Compliance Division." Neither Commission office was a decision maker in the underlying proceeding in *KMAP, Inc.* so the questionable communication was not made to "decision-making personnel." *KMAP, Inc.*, ¶ 26. Conversely, WNNX's *ex parte* presentation in MM Docket 01-104 was directed to the "Chief, Media Bureau." The Chief is unarguably "unseparated Bureau or Office staff considered decision-making personnel with respect to decisions, rules, and orders in which their Bureau or Office participates in enacting, preparing, or reviewing." 47 C.F.R. § 1.1202(c); there are no separation orders in either proceeding.

12) Rulemaking documents, whether or not *ex parte*, must be filed through the Secretary's office, *see* 47 C.F.R. § 1.401(b); § 1.429(h); *see also* § 1.4(f). 47 C.F.R. § 1.1208 provides that "proceedings involving amendments to the broadcast table of allotments" are "restricted." There is nothing in the rules suggesting that parties are able to make *ex parte* presentations concerning the merits of restricted FM allocation proceedings and there is nothing in the rules which suggests that Mr. Small must sit in the Secretary's office to examine the contents of each filing which passes through that office to determine whether a party is arguing against Mr. Small's interests in MM Docket 98-112. WNNX's position that the Commission does not intend to apply the *ex parte* prohibition to FM allocation proceedings merely because the *ex parte* presentation is filed through Secretary's office is absurd as it substantially eviscerates the *ex parte* prohibition.

13) A prohibited *ex parte* presentation is a communication made to decision-making Commission personnel which is directed to the "merits or outcome of a proceeding" which is not served upon parties to the proceeding. 47 C.F.R. § 1.1202(a),(b),(c). Even though WNNX claims

⁶(...continued)
Commission proceedings."). Whether viewed under the old rules as WNNX prefers, or under the new rules, WNNX's excuses do not remove it from the *ex parte* prohibition.

a right to argue against Mr. Small's protected interests in "a different, unrelated proceeding," Opposition, ¶ 9, there is no license in the Commission's *ex parte* presentation definitions for WNNX to make its case against Mr. Small in another restricted proceeding. WNNX's comments in MM Docket 01-104 are clearly directed to the "merits or outcome of a proceeding," that is, the instant proceeding, and the comments were not served upon Mr. Small nor the undersigned. The Opposition does not argue that the offending comments made in MM Docket 01-104 do not evidence support for WNNX, and opposition to Mr. Small, and WNNX's *ex parte* violation is clear.'

14) Speaking for Radio South, Inc., WNNX claims that Mr. Small's interests in the instant proceeding may be attacked in the context of another restricted proceeding because a

"presentation" does *not* include a report required by the Commission's rules. . . . Radio South had to file its petition for reconsideration or lose its rights, and in doing so had to discuss this proceeding because the instant proceeding was the reason its rule making was dismissed.

Opposition, at 5 (emphasis added by WNNX).⁸ WNNX's emphasis on certain of its own words does not excuse WNNX from the *ex parte* restriction. First, the pleading in MM Docket 01-104 is not a report, such as an ownership report, required by the Commission's rules, but a voluntary

⁷ The cases upon which WNNX relies fully support this conclusion. The Commission long ago determined that while the *ex parte* "rules should not be construed as an absolute bar to such communication [dealing with general industrial problems], . . . they do bar *ex parte* communications dealing directly with the merits of the restricted proceeding." Report and Order, 1 F.C.C.2d 49723 (FCC 1965); see also *Midwest Television, Inc.*, 8 F.C.C.2d 1131 ¶ 4 (FCC 1967) (discussion of general policy matters not prohibited); *American Television Relay, Inc.*, 9 F.C.C.2d 1004 ¶ 11 (FCC 1967) ("counsel for parties (in the same manner as parties themselves) are 'entitled to pursue other legitimate interests before the Commission, but must not use the pendency of other matters as a pretext for *ex parte* communications going to the merits or outcome of a restricted proceeding,'" citing 1 F.C.C.2d 49 ¶ 25); 2 FCC Rcd. 3011 ¶ 21. While WNNX might consider its attack against Mr. Small's interests in MM Docket 01-104 as "normal," *Opposition*, n. 11, WNNX's use of another proceeding to attack Mr. Small's position is clearly illegal,

⁸ WNNX's ability to speak for RSI evidences an undisclosed relationship between WNNX and RSI.

submission. Second, WNNX's claim that the pleading in MM Docket 01-104 "*had*" to attack Mr. Small's interests in the instant proceeding is false. In MM Docket 01-104 WNNX's argument is that

should the Division determine that *Cut and Shoot* is applicable, it should carve out a very narrow exception to *Cut and Shoot* in recognition of the unusual, special facts of this case where, but for an abuse of process in another rulemaking proceeding, Cox's and Radio South's Counterproposals faced no obstacles to grant.

October 9, 2002 *Petition for Reconsideration of Cox Radio, Inc., CXR Holdings, Inc., and Radio South, Inc.*, at 10. WNNX and RSI attack Mr. Small's interests in MM Docket 98-112 merely for the purpose of "carv[ing]" an exception to an existing rule in MM Docket 01-104. It is not Mr. Small which is the cause of woe in MM Docket 01-104, it is the existence of the *Cut and Shoot* rule and the attack on Mr. Small in MM Docket No. 01-104 was gratuitous and not mandatory as WNNX now claims on behalf of RSI. WNNX and RSI could have argued the applicability of the *Cut and Shoot* rule without attacking Mr. Small, or, after making the attack for the purpose of seeking an exception, WNNX and RSI could have served Mr. Small rather than skulking in the dark

15) In further dissembling, WNNX claims that the instant proceeding and MM Docket 01-104 are "unrelated proceeding[s]." *Opposition*, ¶ 9. In its next breath WNNX argues that the two proceedings are related such that Mr. Small's activities in the instant proceeding "*had*" to be discussed in MM Docket 01-104. According to WNNX, the two rule making proceedings are both related and unrelated, a not too surprising inconsistency given the fact that WNNX's *Petition for Rulemaking* relied upon the Hartsfield-Atlanta International Airport as the prime example of College Park's economic independence.⁹ Consistency and forthrightness are not WNNX's hallmark

C. WNNX's Role in the Civil Suit Retaliation

16) WNNX's attorney claims, without any supporting affidavits, that WNNX had nothing to do with the effort to intimidate Mr. Small from further litigating the instant case by threats of legal


⁹ Atlanta's airport, completely discounted by the Commission, has an annual economic impact of at least **\$15 billion**. Mr. Small's August 31, 1998 *Comments*, Attachment B, at 3.

action. *Opposition*, ¶¶ 6-7.¹⁰ Given the serious and substantiated charges of misrepresentation and *ex parte* violations in both the instant case and in MM Docket 01-104, given WNNX's undisclosed financial interest in the outcome of MM Docket 01-104, *see* the November 8, 2002 *Opposition to Petition for Reconsideration*, MM Docket 01-104, ¶¶ 15-19, given WNNX's financial relationship with BCI which served as the basis of the threats against Mr. Small, *Petition*, ¶ 34, and given the apparent benefits which would have accrued to WNNX had the threats been successful, counsel's naked word on the abuse of process issue is not evidence and does not resolve the issue."

WHEREFORE, it is respectfully submitted that reconsideration is warranted and that Mr. Small's petition for rulemaking be granted, alternatively, the record of this proceeding should be reopened to determine whether WNNX abused process by misrepresentation and/or *ex parte* violations or through threat of civil action, to examine WNNX's interest in MM Docket 01-104 which would disqualify WNNX from the instant proceeding, and to determine whether WNNX was involved with filing a fraudulent lead petition for rulemaking in MM Docket 01-104.

Hill & Welch
1330 New Hampshire Ave., N.W. #113
Washington, D.C. 20036
(202) 775-0070
(202) 775-9026 (FAX)
welchlaw@earthlink.net
November 21, 2002

Respectfully submitted,
PRESTON W. SMALL


Timothy E. Welch
His Attorney

¹⁰ WNNX's assertion that "there cannot be an *abuse* unless there is a *use* of the Commission's processes," *Opposition*, ¶ 6 (WNNX's emphasis), overlooks the fact that threats to keep parties from filing information with the Commission are prohibited; there is no requirement that the abuser formally file its illegal threats in a proceeding before notice of the abuse is taken.

¹¹ WNNX claims that the complaint of abuse concerning the threat of litigation is "irresponsible, inflammatory, libelous and an act of desperation." *Opposition*, ¶ 6. Mr. Small did not initiate the illegal threats, nor the actual suit, and reporting these matters and questioning WNNX about them does not amount to "libel" nor does it deserve WNNX's over-the-top response to a courteously worded inquiry. *Petition*, ¶ 34. WNNX's overreaction is not evidence which rebuts the *prima facie* showing that the threats were made, nor that WNNX is a beneficiary of the threats, nor that WNNX has a community of interest with the maker of the threats.

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of November 2002 served a copy of the foregoing REPLY TO CONSOLIDATED OPPOSITION TO PETITION FOR RECONSIDERATION AND SECOND MOTION TO REOPEN THE RECORD by First-class United States mail, postage prepaid, upon the following:

Mark N. Lipp
Erwin G. Krasnow
Shook, Hardy and Bacon
600 14th Street, N.W. Suite 800
Washington, D.C. 20005-2004
Counsel to WNNX and RSI

Kevin F. Reed
Elizabeth A. M. McFadden
Nam E. Kim
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Ave., N.W. #800
Washington, D.C. 20036
Counsel to Cox

Auburn Network, Inc.
c/o Lee G. Petro
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900 East Tower
Washington, D.C. 20005

Marengo Broadcast Association
5256 Valleybrook Trace
Birmingham, AL 35244

Dale Broadcasting, Inc.
P.O. Box 909
Alexander City, AL 35051

Mark Blacknell
Womble Carlyle Sandridge & Rice
1401 Eye Street, N.W. # 700
Washington D.C. 20005

Williamson Broadcasting, Inc.
702 East Battle Street, Suite A
Talladega, AL 35161

Scott Communications, Inc.
273 Persimmon Tree Road
Selma, AL 36701


Southeastern Broadcasting Co.
P.O. Box 1820
Clanton, AL 35045

Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

Kathy Archer, Vice President
CapStar Broadcasting Partners
600 Congress Avenue #1400
Austin, TX 78701

Joan Reynolds
Brantley Broadcast Associates
415 North College Street
Greenville, AL 36037

James R. Bayes
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006


Timothy E. Welch